

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

.....x

Chapter 11

In Re:

BK AUTUMN 701, LLC

Case No: 21-42682-ess

Debtor.

.....x

**ORDER AUTHORIZING EMPLOYMENT AND RETENTION OF
BANKRUPTCY SHIRYAK, BOWMAN, ANDERSON, GILL &
KADOCHNIKOV, LLP AS COUNSEL FOR THE DEBTOR**

Upon the application (the “Application”) of Eliot Ambalo, on behalf of BK Autumn 701, LLC, the above-captioned debtor and debtor-in-possession (the “Debtor”), for entry an order, pursuant to section 327(a) of title 11 of the United States Code (the “Bankruptcy Code”) and Rules 2014 and 2016(b) of the Federal Rules of Bankruptcy Procedure, authorizing the employment of SHIRYAK, BOWMAN, ANDERSON, GILL & KADOCHNIKOV, LLP (“SBAGK”) as Counsel to the Debtor; and upon the statement, declaration or affidavit of Eliot Ambalo, which is annexed to the Application (the “Declaration”); and it appearing that SHIRYAK, BOWMAN, ANDERSON, GILL & KADOCHNIKOV, LLP is a “disinterested person” within the meaning of sections 101(14) and 327 of the Bankruptcy Code and does not represent any interest adverse to the Debtor’s estate for the matters upon which it is to be engaged; and this Court having determined that employment of SHIRYAK, BOWMAN, ANDERSON, GILL & KADOCHNIKOV, LLP by the Debtor is in the best interests of the Debtor, its estate and its creditors; and adequate notice of the Application having been given; and after due deliberation and sufficient cause appearing therefor; it is hereby

ORDERED, that pursuant to section 327(a) of the Bankruptcy Code and

Bankruptcy Rule 2014, the Debtor is authorized to employ SHIRYAK, BOWMAN, ANDERSON, GILL & KADOCHNIKOV, LLP as its Counsel, on the terms and conditions set forth in the Application and Declaration, effective as of October 21, 2021; and it is further

ORDERED, that to the extent the Application or Declaration is inconsistent with this Order, the terms of this Order shall govern; and it is further

ORDERED, that pursuant to 11 U.S.C. §327(a), SHIRYAK, BOWMAN, ANDERSON, GILL & KADOCHNIKOV, LLP shall seek compensation for its services and reimbursement of its expenses upon application to the Court, and upon notice and a hearing, pursuant to 11 U.S.C. §§ 330 and 331, Bankruptcy Rule 2014, E.D.N.Y.L.B.R.2014-1 and the Guidelines of the Office of the United States Trustee; and it is further

ORDERED, that SHIRYAK, BOWMAN, ANDERSON, GILL & KADOCHNIKOV, LLP shall apply the remaining amount of any pre-petition retainer as a credit towards post-petition fees and expenses, after such post-petition fees and expenses are approved pursuant to order the Court; and it is further

ORDERED, that prior to any increases in SHIRYAK, BOWMAN, ANDERSON, GILL & KADOCHNIKOV, LLP's rates, SHIRYAK, BOWMAN, ANDERSON, GILL & KADOCHNIKOV, LLP shall file a supplemental affidavit with the Court and provide ten business days' notice to the Debtor, the United States Trustee and any official committee, which supplemental affidavit shall explain the basis for the requested rate increases in accordance with Section 330(a)(3)(F) of the Bankruptcy Code and state whether the Debtor has consented to the rate increase. The United States Trustee retains all rights to object to any rate increase on all grounds including, but not limited to, the reasonableness standard provided for in section 330 of the Bankruptcy Code, and all rates and rate increases are subject to review by the Court; and it is

further

ORDERED, that, notwithstanding any provision to the contrary in the Application or the Declaration, the Court may retain jurisdiction to hear and to determine all matters arising from or related to implementation of this Order.

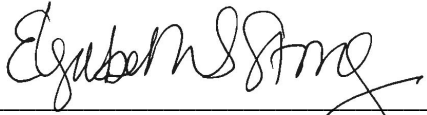
NO OBJECTION:
WILLIAM K HARRINGTON
UNITED STATES TRUSTEE, REGION 2

By: /s/ Jeremy S. Sussman, Esq.
Jeremy S. Sussman
Trial Attorney
Office of the United States Trustee
201 Varick Street, Suite 1006
New York, New York 10014
(202) 573-6935

Dated: New York, New York
December 3, 2021

Dated: Brooklyn, New York
December 3, 2021





Elizabeth S. Stong
United States Bankruptcy Judge